



Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the attached **RESPONSE TO RESTRICTION REQUIREMENT WITHOUT TRAVERSE (3 pages)** is being deposited with the United States Postal service for delivery in an envelope addressed to The Assistant Commissioner for Patent Office, Washington, DC 20231 on this 5th day of September, 2003.

Marcie F. King



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3619
9/16/03
T.M.

Applicant: Jerry R. Smith
Appl. No.: 10/099,921
Filed: March 14, 2002
Docket No.: 1806
Title: **HITCH BALL ENGAGING ASSEMBLY AND
APPARATUS USABLE TO INTERCONNECT FIFTH
WHEEL TRAILER COUPLING TO A GOOSENECK
TRACTOR COUPLING**

Art Unit: 3619
Conf. No.: 1639
Examiner: Matt Luby
Action: **ELECTION WITH TRAVERSE**
Date: September 4, 2003

To: Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In response to the Restriction Requirement dated August 28, 2003, Applicant hereby elects to prosecute the Species I shown in Figures 7-13. Although the Examiner has asserted that "no claims are generic", Applicant respectfully disagrees. In particular, claims 1-10 are generic as to all three suggested species and claims 11-41 and method claims 42-46 all read on both Species I and II identified in the Restriction Requirement.

More specifically, in the Restriction Requirement, the Examiner maintains that restriction to one of the following inventions is required under 35 U.S.C. §121:

Species I—An adapter apparatus as shown in Figures 7-13;

Species II—A hitch pin connector assembly as shown in
Figures 14-19; and

Species III—hitch ball engaging assembly as shown in
Figure 20.

In electing the Species I of Figures 7-13 and the lead-in Figures 1-6, the Examiner requires the Applicant to list all claims readable thereon. Upon reviewing the claims, Applicant believes that claims 1-41 and method claims 42-46 all read on this species. Applicant again suggests that independent claim 1 and its dependent claims 2-10 on the species identified in the Restriction Requirement.

The distinction between Species I and Species II as identified by the Examiner resides in the structure used to attach the device to a pin, such as a king pin of a fifth wheel connector. In Species I, connection is made by set screws 112. In Species II connection is made by set screws 218 acting on a collar 212 secured to the pin by screws 214. Thus, the connection is still made by set screws. In Species III, no pin connection is provided.

Claims 1-10 are therefore generic to all three species since the recitations do not require connection to a pin. Claims 11-41 require structure to connect to a king pin and thus are not generic to Species III. However, the connection to the king pin in these claims encompasses both Species I and II. Accordingly, Applicant agrees with the restriction requirement between Species III on one hand and Species I and II on the other hand, but Applicant traverses any restriction between Species I and II as the claims are currently directed.

Applicant therefore requests that examination proceed on claims 1-46 of this application as each of those claims reads on Species I. If there are any further issues regarding the above-identified patent application, it is respectfully requested that the Examiner contact the undersigned attorney for the Applicant at the number listed below.